

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LA PORTE HOSPITALITY, LLC DBA
DAYS INN,

Plaintiff

v.

RENAISSANCE RE SYNDICATE 1458
LLOYD’S AND MT. HAWLEY INSURANCE
COMPANY,

Defendants.

CIVIL ACTION NO. 4:21-cv-3663

DEFENDANTS’ NOTICE OF REMOVAL

Defendants Syndicate 1458 at Lloyd’s of London (“Syndicate 1458,” incorrectly named as Renaissance Re Syndicate 1458 Lloyd’s) and Mt. Hawley Insurance Company (“Mt. Hawley”) (Syndicate 1458 and Mt. Hawley collectively “Defendants”) file this Notice of Removal of this action from the 151st Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, the district and division in which the 151st Judicial District is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Mt. Hawley respectfully shows this Court as follows:

1. Plaintiff La Porte Hospitality, LLC dba Days Inn (“Plaintiff”) commenced an action against Defendants in the 151st Judicial District of Harris County, Texas, entitled *La Porte Hospitality, LLC dba Days Inn v. Renaissance Re Syndicate 1458 Lloyd’s and Mt. Hawley Insurance Company*, pending as Case No. 202160969 (the “State Court Case”).

2. On October 12, 2021, Mt. Hawley Insurance Company was served with Plaintiff's Original Petition ("Petition") in the State Court Case. *See Exhibit B* (Court Docket). As such, removal is timely because thirty (30) days have not elapsed since Mt. Hawley first received the Petition, as required by 28 U.S.C. § 1446(b).

3. A copy of this Notice of Removal will be filed with the State of Texas Judicial District Court in Harris County, and a copy of this Notice of Removal will also be served on Plaintiff. Defendants are, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal with the clerk of the 151st Judicial District Court of Harris County, Texas.

4. An index of all documents, a copy of the state docket sheet, copies of the citation and each document filed in the state court action, and a list of counsel of record are attached hereto as **Exhibits A-D**.

5. Plaintiff has requested a trial by jury.

6. Defendants have filed contemporaneously a civil cover sheet.

Ground for Removal: Diversity

7. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, in that this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States.

A. The amount in controversy exceeds the federal minimum jurisdictional requirements.

8. Plaintiff's Petition in the State Court Case contends that its property sustained damage covered under a policy of property insurance issued by Defendants, Policy No. MPC0500892 (the "Policy"). *See Exhibit C* (Petition) at p. 3. Plaintiff's Petition further alleges that Defendants breached the Policy by failing to pay Plaintiff's claim. *See id.* at pp. 9. Finally,

Plaintiff's Petition alleges the amount of its claimed loss, and the amount it seeks to recover from Defendants, exceeds \$1,000,000. *See id.* at p. 12.

9. For all of these reasons, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

B. There is complete diversity between Plaintiff and Defendants.

10. Plaintiff was at the time of the filing of this action, has been at all times since, and still is a limited liability company organized under the laws of Texas with its principal place of business in Texas. Plaintiff's members are all individual residents and citizens of Texas. Accordingly, Plaintiff is a citizen of the State of Texas for purposes of determining diversity jurisdiction, and not a citizen of the State of Illinois or of England.

11. Defendant Mt. Hawley is a corporation organized under the laws of Illinois, with its principal place of business in Illinois. Accordingly, Mt. Hawley is a citizen of the State of Illinois for purposes of determining diversity jurisdiction, and not a citizen of the State of Texas.

12. Defendant Syndicate 1458 at Lloyd's of London is a Lloyd's syndicate with a single member, RenaissanceRe Corporate Capital (UK) Limited. RenaissanceRe Corporate Capital (UK) Limited is an English corporation with its principal place of business in London, England. As such, Syndicate 1458 is a citizen of England, and not a citizen of Texas, for purposes of determining diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

13. Complete diversity exists in this case and removal is proper because Plaintiff is a citizen of Texas, Mt. Hawley is a citizen of Illinois, and Syndicate 1458 is a citizen of England.

WHEREFORE, Defendants Mt. Hawley Insurance Company and Syndicate 1458 at Lloyd's of London pray that the above-described action now pending in the 151st District Court of Harris County, Texas, be removed to this Court.

Respectfully submitted,

/s/ Greg K. Winslett

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon counsel for Plaintiff, via certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, on this 8th day of November 2021, as follows:

Matthew M. Zarghouni
Zar Law Firm
3900 Essex Lane, Ste. 1011
Houston, Texas 77027
Attorneys for Plaintiff

/s/ Greg K. Winslett

Greg K. Winslett